

DOCKET NO. DBD-FA-10-4010000S : SUPERIOR COURT
HOWARD GAVELL : JUDICIAL DISTRICT OF DANBURY
V. : AT DANBURY
MONA GAVELL : NOVEMBER 4, 2010

STIPULATION AS TO CUSTODY AND VISITATION

The parties hereby stipulate to the entry of the following Orders regarding their minor children, JUSTINE (born 2006, age 13), KEVIN (born 2004, age 6) and AMY (born 2008, age 18 months), intending hereby to incorporate said Orders into the final judgment of dissolution:

CUSTODY:

The parties shall continue to share joint legal custody of the minor children

The parties shall confer to decide non-routine matters pertaining to the children's education, religious training, medical and dental care, athletic participation, counseling, traveling opportunities, and major purchases for the children (defined as \$1,000 or greater) with a view to arriving at a harmonious policy calculated to promote the best interests of the children.

"Non-routine" shall be defined as 1) matters specifically requiring written parental permission, 2) matters which do not recur on a regular schedule, and/or 3) opportunities which are not available to the Minor Children's peers.

Communications between the parties shall be in writing via e-mail or ourfamilywizard.com unless both parties agree that verbal communication is productive.

Both parents will encourage and facilitate the children's active participation in Catholic

religious training through confirmation. Notwithstanding the foregoing, either parent may expose the children to services and youth activities in different churches while with that parent.

JUSTINE will primarily reside with the Plaintiff Father. KEVIN and AMY will primarily reside with the Defendant Mother. All children will attend Newtown public schools.

Neither parent will remove the residence of the minor children from the Town of Newtown, Connecticut without prior written agreement of the other parent or further Court order.

ACCESS SCHEDULE:

As to JUSTINE:

The Defendant Mother shall have reasonable, liberal and flexible contact with JUSTINE, including at least one hour each week at a joint counseling session between JUSTINE and the Defendant Mother. The Plaintiff Father will provide JUSTINE'S transportation. Such counseling will continue as recommended by the joint counselor.

JUSTINE will spend weekends from the close of school on Friday through the return to school on Monday with each parent on a three week rotating schedule. Weekends one and two will be spent with the Plaintiff Father; weekend three will be spent with the Defendant Mother.

The weekend schedule shall alternate continuously. School break and vacation schedules will overlay the usual weekend rotation.

The Defendant Mother will provide JUSTINE with a cell phone on her plan and may solely determine the services available and monitor its use. The Plaintiff Father will not provide JUSTINE

with a different cell phone nor permit her to regularly use one other than that provided by the Defendant Mother.

Both parties will encourage JUSTINE to spend additional time with the Defendant Mother and the Plaintiff Father agrees to accommodate JUSTINE'S wishes for increased contact if expressed. Both parties will follow and implement the joint counselor's recommendations for increased access time with the Defendant Mother.

As to KEVIN:

KEVIN will primarily reside with the Defendant Mother.

KEVIN will spend weekends from the close of school on Friday through the return to school on Monday with each parent on a three week rotating schedule. Weekends one and two will be spent with the Plaintiff Father; weekend three will be spent with the Defendant Mother.

The weekend schedule shall alternate continuously. School break and vacation schedules will overlay the usual weekend rotation.

KEVIN will spend each Thursday from close of school until 7:00 p.m. preceding a Mother's weekend and each Tuesday from close of school until 7:00 p.m. following a Mother's weekend with the Plaintiff Father. The Plaintiff Father will ensure that KEVIN has completed his homework and eaten dinner before returning to the Defendant Mother's home.

As to AMY:

AMY will primarily reside with the Defendant Mother.

AMY will spend weekends with each parent on a three week rotating schedule. Weekends one and two will be spent with the Plaintiff Father from 3:00 p.m. on Friday through 7:00 p.m. on Saturday, and from 12:00 noon to 7:00 p.m. on Sunday; weekend three will be spent with the Defendant Mother. The Plaintiff Father will ensure that AMY has eaten dinner before returning to the Defendant Mother's home on his weekends.

AMY will spend each Tuesday and Thursday from 3:00 p.m. through 7:00 p.m. with the Plaintiff Father. The Plaintiff Father will ensure that AMY has eaten dinner before returning to the Defendant Mother's home.

SUMMER VACATION:

Each parent will be entitled to two non-consecutive weeks of uninterrupted vacation with the children¹, each week to begin at 9:00 a.m. on the Monday preceding his or her regular weekend time and ending at 9:00 a.m. the following Monday. In odd numbered years, the Defendant Mother will have first choice of vacation weeks and she will give written notice of the two weeks she elects by April 1 and the Plaintiff Father will give written notice of the weeks he elects by April 15. In even numbered years, the Plaintiff Father will have first choice and will give written notice of the two weeks he elects by April 1 and the Defendant Mother will give written notice of the weeks she elects by April 15.

¹ Until she turns 3, AMY will spend vacation week days from 10:00 a.m. until 7:00 p.m. with the Plaintiff Father and return to the Defendant Mother's home to sleep each evening. She may spend the weekend overnights during the vacation week with the Plaintiff Father.

Neither parent will schedule activities for the children during time the children are scheduled to be with the other parent without the advance agreement of the other parent. The Plaintiff Father may, however, after consultations with the Defendant Mother, enroll JUSTINE and KEVIN in extracurricular activities which have occasional practices, events or games scheduled on weekends or on the week nights the children spend with the Mother, and the Defendant Mother will accommodate the children's attendance. Likewise, the Defendant Mother, after consultation with the Plaintiff Father, may enroll AMY, once she begins school, in extracurricular activities which have occasional practices, events or games scheduled on weekends or on the week nights AMY spends with the Plaintiff Father, and the Plaintiff Father will accommodate the AMY's attendance.

If either parent plans to arrange for child care by a third party for a period of longer than three hours while the child or children are awake, the other parent shall have a right of first refusal to care for the child(ren) provided he or she provides transportation.

Each parent may arrange for another adult to transport the children if the parent is not available.

Both parents will permit and encourage the children to telephone the other parent at will, and assist the children in calling the other parent if necessary. Each parent may place one phone call per day to the children at the other parent's home.

HOLIDAYS AND VACATIONS

The Holiday Schedule will preempt the regular and vacation schedule.

GAVELL CHILDREN HOLIDAY SCHEDULE

	Odd numbered years	Even numbered years
Thanksgiving (7:00 p.m. Wednesday until 10:00 a.m. Friday)	Mom	Dad
Christmas Eve Day (9:00 a.m. until 9:00 p.m.)	Mom	Mom
Christmas Eve Overnight (9:00 p.m. until 9:00 a.m. Christmas Day)	Mom	Dad
Christmas Day (9:00 a.m. until 9:00 p.m.)	Dad	Dad
Christmas School Break (9:00 p.m. 12/25 until 6:00 p.m. on the day preceding the resumption of school) ₁	Dad	Mom
Winter School Break/President's Day Break (close of school until resumption of school) ₁	Dad	Mom
Spring School Break (close of school until resumption of school) ₁	Mom	Dad
Easter Day (unless falling during Spring Break) (6:00 p.m. Saturday until 6:00 p.m. Sunday)	Mom	Dad
Mother's Day (6:00 p.m. Saturday until 6:00 p.m. Sunday)	Mom	Mom
Father's Day (6:00 p.m. Saturday until 6:00 p.m. Sunday)	Dad	Dad

The parties agree to share the children's birthdays, so that each has an opportunity to visit with the birthday child for at least two hours.

MISCELLANEOUS

Each parent will keep the other informed of the whereabouts, including a telephone number, of the children if the children will not be sleeping in the residence of the parent overnight.

Either parent may take the children out of state overnight on holidays or for vacations or visitation, so long as a written itinerary and notice of the address and telephone number of the destination(s) is provided to the other parent in advance of the departure. Each parent agrees to cooperate in providing the children's passports and all necessary documents to the parent traveling with the children upon receipt of the written itinerary and notice of the address and telephone number of the destination(s) .

Neither parent will do or say anything to or in the presence of the children which would tend to detract from the ordinary love and affection of the children for the other parent, nor permit third persons to do so.

Each parent shall provide the other with the name, address and telephone numbers of all regular child-care providers (defined as persons/agencies providing care more than eight hours per month).

Both parents shall have the right of access to all academic, medical, hospital or other health records of the children.

Each parent will keep the other informed of the children's school, sports and extracurricular activities and provide the other parent with copies of all schedules and notices of special events to

which parents and/or the public are invited, and will provide the other parent with "parent tickets" if distributed or made available for the special event. If email addresses are requested of either parent in regard to children's activities, both parents' email addresses will be provided.

Both parents may attend sporting events, school activities, scout meetings, etc. in which the children are involved notwithstanding the visitation schedule and provided other parents ordinarily attend. Where both parents are present, each agrees to allow the children free access to greet and visit with the other parent, and not to entice or pressure the children to devote their attention to only one of them.

Both parents may volunteer to assist with the children's activities as coach, scout leader, room mother, chaperon, etc., which shall not be considered additional visitation. In the event both parents wish to participate in the same activity, the parent with whom the child will be leaving the activity will have the right of first refusal.

If a child participates in any activities intended to include a specific parent (e.g. father/son scout activities, mother/daughter dinners), that parent shall be entitled to attend the event with the child, which will not be considered additional visitation.

The parties agree that the children will not be left unsupervised while awake or alone overnight. JUSTINE may not "babysit" for KEVIN or AMY.

The Defendant Mother will authorize the Guardian *ad litem* to contact the therapist and physician quarterly for the purpose of confirming her compliance with therapy.

CHILD SUPPORT

Child support will be determined in accordance with the Connecticut Child Support Guidelines, which currently provide for the weekly payment of \$_____ by the Plaintiff Father to the Defendant Mother.

The parties will split all unreimbursed medical, dental, glasses, and mental health expenses incurred for the children according to the following ratios: Plaintiff Father _____%; Defendant Mother _____%.

The parties will split extracurricular activities expenses (school field trips, sports participation, other activities if mutually agreed upon by the parties) according to the following ratios: Plaintiff Father _____%; Defendant Mother _____%.

POST SECONDARY EDUCATIONAL EXPENSE

The parties agree that it is more likely than not that they would have provided support to the minor children for post-secondary education if the family were intact. Both parties will cooperate in the completion of each child's applications for admission and financial aid, including the completion of the FAFSA form, and requests for any subsequent information requests by the colleges, lending institutions, scholarship providers, etc.

In the event the parties are unable to agree regarding their respective financial contributions to the children's post-secondary education, the parties agree that the Superior Court may retain jurisdiction pursuant to Conn. Gen. Stat. § 46b-56c.

MEDICAL INSURANCE

The Plaintiff Father currently provides medical and dental insurance for the benefit of the children through his employer's group plan and will continue to do so. The provisions of C.G.S. § 46b-84(d) shall apply so as to permit the Defendant Mother, as well as the Plaintiff Father, to submit claims directly to the insurer.

THE PLAINTIFF, HOWARD GAVELL

THE DEFENDANT, MONA GAVELL

THE MINOR CHILDREN

by:

Their attorney

THE GUARDIAN *AD LITEM*
